



# CITY OF BRUNSWICK

1 W. Potomac Street • Brunswick, Maryland 21716 • (301) 834-7500

## **By-Laws and Procedures of the Brunswick Planning Commission** Brunswick, Maryland March 1983, as adopted with Amendments to April 1998, and Revised and re-adopted December 22, 2003

### **Forward**

The By-Laws and Procedures are issued to assist the Brunswick Planning Commission, its staff and other City agencies in the orderly and efficient conduct of all matters with which the Commission is concerned.

### **Objective**

The City of Brunswick Planning Commission seeks to conduct all business which may properly come before it by law or custom to secure the harmonious development of the entire City for the benefit of its present and future inhabitants. The Commission will conduct its business in accordance with the provisions of Article 66B of the Annotated Code of Maryland as well as these rules of procedure.

### **Section 1–Commission Authority, Jurisdiction and Responsibility**

1. Authority: The Commission has established by resolution adopted by the Mayor and Council of Brunswick, Maryland dated January 8, 1973.
2. Jurisdiction: The Commission's territorial jurisdiction applies to all incorporated territory of the City of Brunswick.
3. Responsibility: The Commission has all powers, functions, and duties provided for in Article 66B, Section 3.00 of the Annotated Code of Maryland.

The Commission shall develop and recommend goals and objectives for the future and a Master Plan, which shall be compatible with the County's Comprehensive Plan.

The Commission shall initiate and/or review, study and analyze all planning and zoning proposals for the City submitted by the Mayor and Council, County, State and Federal Government, other organizations or private citizens. Findings and recommendations will be

made to the Mayor and Council. Matters for the Commission's consideration shall include, but not be limited to, the following:

- Traffic circulation, future street needs, parking and other transportation modes.
- Future uses of land, the orderly and proper growth of the City including the provision of adequate public services and facilities.
- Industrial and commercial development including downtown commercial revitalization.
- Improved housing, neighborhood revitalization and historic preservation.
- Protection of the City's natural beauty, the promotion of environmentally sound development practices, and provision of parks and open spaces.

## **Section 2–Definitions**

- 2.1 The word “Commission” shall refer to the Brunswick Planning Commission.

## **Section 3–Officers and Committees**

- 3.1 The Commission consists of five (5) members, and one (1) alternative member, appointed by the Mayor & Council. One member shall be an elected member of the Council. Members will serve at the pleasure of the Mayor & Council for a period of five (5) years or until his/her successor takes office. Terms shall be staggered so that terms of more than one elected members will not expire in any one year.
- 3.2 The designated member of the City Council shall be a member of the Commission having all the rights and privileges of the regularly appointed members, and serve in an ex-officio capacity concurrent with his official term.
- 3.3 Members serve with such compensation as the Mayor & Council deem appropriate; and they may be removed from office only for inefficiency, neglect of duties or malfeasance in office.
- 3.4 The Commission shall organize annually in the month of July and elect a Chair, Vice-Chair and Secretary.
- 3.5 The Chair or in the Chair's absence, the Vice-Chair or Secretary, shall preside at all meetings or hearings of the Commission. In the absence of an officer, the member with most Planning Commission service seniority shall preside. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the Commission members present.
- 3.6 Special committees may be appointed by the Commission for special purposes or study. The Chair may on his/her own initiative establish committees and/or task force groups as deemed necessary to facilitate commission business. The Chair

will, whenever possible, use the voluntary assistance of local citizens, as well as members of the Commission.

#### **Section 4–Meetings**

- 4.1 Regular meetings shall be held on the 4<sup>th</sup> Monday of each month, or as amended by a Commission vote. If additional time is needed, the following Wednesday shall also be set aside as a regular meeting date. The staff shall give each member 48 hours or more notice of change of date of the meeting.
- 4.2 A Submission schedule shall be adopted yearly for review items.
- 4.3 Special meetings and workshops may be called by the Chair or in the Chair's absence, the Vice-Chair. Reasonable notice of a special meeting shall be given each member, 48 hours or more before said meeting. Meetings requiring advertisement or other notice may be called only after the appropriate notice or advertisement is provided.
- 4.4 Attendance- It shall be the duty of each member to attend all meetings. Should any member be absent from one-half or more of all meetings held during the year, the Commission shall recommend to the Mayor and Council that the member's resignation be requested, unless determined by vote of a majority of Commission members that there is a sufficient excuse for non-attendance. The Chair may excuse any member when he/she feels there is sufficient excuse for non-attendance.
- 4.5 In each case, the applicant shall have a twenty (20) minute presentation period. Groups recognized by the Chair shall have ten (10) minutes and individuals shall have four (4) minutes. The Chair may grant extensions of the time limits unless an objection is raised by a Commission member. Commission members and the staff may question the presenter or witness at any time during the hearing; in addition, the Chair may direct a person to respond to a question of the Board. Cross-examination of witnesses as to relevant material is allowed, as required by law, with the Chair presiding.
- 4.6 The Commission will submit its recommendations to the Mayor in writing, which may be included in a Staff Report, on each completed case considered by the Commission. The petitioner will likewise be informed of the Commission's Recommendations to the Mayor.

#### **Section 5–Voting**

- 5.1 A quorum shall consist of a majority of the existing membership.
- 5.2 The order of business shall be in accord with the agenda.

- 5.3 Questions put to a vote are decided by a majority of the members present and voting, assuming a quorum is present. No decision may be made in the absence of a quorum.
- 5.4 A tie vote by the Commission shall be interpreted as a failure to approve the motion upon which the vote was taken. Additional motions may then be proposed. If a tie vote remains on an advisory matter, the Commission's action shall be deemed as "No Recommendation". If a motion can not be approved on non-advisory matters (i.e. subdivision, site plan, PUD Phase II, etc.) Then the matter shall be deemed "not approved" but may be brought back before the Commission by the Applicant.
- 5.5 No member shall vote on a matter in which he (she) has personal involvement or as otherwise specified in the City's Ethics Ordinance. Members are encouraged to consult the Commission's counsel as to the propriety of their voting on any matter which may involve a conflict of interest.
- 5.6 In order to be eligible to vote, a member must attend all relevant meetings or review the audio, video or transcript of any meetings from which the member was absent.
- 5.7 Members' votes shall be recorded on each motion. A member present but not voting in an audible manner shall have his vote counted as affirmative, unless the member specifically signifies a negative or other vote or abstention.

## **Section 6–Conduct of Commission Members**

- 6.1 Speaking for the Commission- A member will not appear to speak for the Commission except as authorized by the Commission. In any public or private statement concerning Commission affairs, members will carefully indicate whether they are speaking for the Commission or for themselves.
- 6.2 Ethics Ordinance- Commission members are subject to and must comply with the City Ethics Ordinance.
- 6.3 Conduct at meetings- Members shall conduct themselves at Commission meetings in a fair, understanding and gracious manner. They shall seek to be considerate of all individuals, attitudes and differences of opinion involved in official Commission business.

## **Section 7–Meeting Procedures**

- 7.1 All agenda items that require an advertised public hearing shall be preceded by notices as prescribed by law and these rules. Public notices shall appear in a local newspaper of general circulation at least the two weeks before the meeting date unless otherwise specified by the law. Written notice shall be given adjacent

property owners when required at least 7 days before the hearing date. The Planning and Zoning Administrator, as prescribed by State law, shall have published in the newspaper and appropriate public notice of the time and date of all hearings.

- 7.2 Commission meetings shall be public meetings and subject to the Maryland Open Meeting Act. A regularly scheduled meeting date and time will be used unless the Chair at their discretion, calls for a separate hearing in order to provide for greater public participation and give these items undivided attention. Any person is entitled to appear and be heard by the Commission before it reaches a decision on any matter. Except as otherwise permitted by the Maryland Open Meetings Act, voting shall be held during a public meeting and the Commission shall keep an open record of its resolutions, proceedings and actions which shall be available for public inspection during business hours. Nothing contained herein shall be construed to prevent the Commission from holding closed sessions for discussion of those items as permitted under the Maryland Open Meetings Act.
- 7.3 Recording of Proceedings- It shall be the duty of the Secretary, assisted by the Commission's staff, to keep a true and accurate record of all proceedings at all meetings and public hearings. A video or audio recording may be accepted as the official record. Minutes shall be prepared, distributed to the individual members, and if approved by the Commission, placed in a record book or file. The Secretary or presiding officer at the meeting shall sign the minutes, resolutions, and other official documents, as adopted or approved. The Mayor and Council may hire a staff stenographer, recording secretary or typist to assist the Commission Secretary in the performance of these duties.
- 7.4 Anyone may appear in his/her own behalf or be represented by an agent or attorney at a Commission meeting. In the absence of any appearance on behalf of the Applicant the Commission will proceed to dispose of the matter on record before it or may table the item and will only be rescheduled upon proper request by the Applicant. Should the item be tabled, the Commission will only reconsider the matter upon proper request of the petitioner. Cases may be deferred if in the Commission's judgement, additional information or study is necessary.
- 7.5 In accordance with Maryland Court of Special Appeals, *Heard vs. Foxshire Associates* (September 3, 2002), all witnesses shall be sworn when testifying before the Planning Commission on those matters decided on the evidence in the record.
- 7.6 Normally the order of business will be:
1. Disposition of minutes
  2. If appropriate, statement by the Chairman

3. Old business
  4. New business
  5. Public comments
  6. Adjournment
- 7.7 The ordinary order of hearing and time limits for testimony (EXCEPT AS PROVIDE IN SECTION 7.8) shall be as follows:
1. Staff Report & Recommendation
  2. The Applicant or the Applicant's Agent or Attorney (20 minutes)
  3. Public Comment (4 minutes per individual or 10 minutes per recognized organization.)
  4. The Commission may limit public comment to (4 minutes to speaker or group)
  5. Applicant's rebuttal (5 minutes)

Additional time for Applicant or public presentation may be requested in writing 15 days in advance of the meeting or as provided in Section 4.5. Decisions on whether to grant the additional time shall be made by the Planning Commission by majority vote.

- 7.8 Special Re-Zoning Meetings- In order to efficiently review re-zoning cases in accordance with Article 25, Section 25.1 thru 25.4 of the Zoning Ordinance, the following special meeting procedures shall apply.
- A) As required in the Zoning Ordinance a public hearing shall be held on re-zoning applications. All review of re-zoning cases shall take place in a public meeting or workshop. The order of the Agenda of cases shall be determined prior to the meeting by the Planning and Zoning Administrator.
  - B) Applicant testimony, the staff report, and reviewing agency comments will be presented to the Planning Commission at the Public Hearing held for this purpose.
  - C) Public testimony will be permitted in connection with review of re-zoning applications during public hearings held for this purpose. The date and time of these hearings will be advertised no less than the two weeks in advance of the hearings.

- D) Written comments must be filed in advance of or at the Planning Commission meeting in order to be considered by the Commission in making its decision.
  - E) The Planning Commission shall base its findings and recommendation on the information presented and within the time limits as provided in Section 4.5.
- 7.9 The Commission may postpone or continue any case due to lack of quorum or for further study and information until a time as determined by the Commission but in no event longer than six (6) months.
- 7.10 The Commission may require any additional relevant Planning materials in the form of maps, charts, reports, and studies, in order to reach a decision.
- 7.11 The Chair will allow reasonable cross-examination of witnesses at a time and in a manner considered reasonable by the Chair under the circumstances.
- 7.12 The Commission may vary any of these meeting procedures by a majority vote of members present and voting, except where otherwise provided by law.
- 7.13 In all cases, the Chair shall utilize the current edition of Robert's Rules of Order to conduct any meeting.

### **Section 8—Procedure in Bringing Matters Before the Commission**

- 8.1 The agenda shall be prepared by the staff who will consult with the Chair on such matters of the agenda as may be appropriate. Members of the Commission who wish to add to the agenda shall first notify the Chair of their request at least 15 days prior to the meeting. Unscheduled items not requiring public notice may be added to the agenda during the meeting only after unanimous vote of the members present. Agenda items once acted upon must wait until the next regular scheduled meeting as determined by the Commission for reconsideration.
- 8.2 The Commission may initiate and/or undertake studies and projects to further the general purpose of planning for coordinated and harmonious development to best promote public health, safety, convenience and welfare.
- 8.3 The Mayor and Council shall forward to the Commission for study and recommendation those matters and requests concerning all planning and zoning functions as prescribed by State law.
- 8.4 Petitions or requests for action on public ways, grounds, spaces, buildings, structures, utilities or any other item which does not require public notice (advertising), must be filed at least 30 days in advance of the scheduled meeting and follow Planning Commission Posting Policies.

- 8.5 In re-zoning cases, the Planning Commission shall submit its report and recommendation to the Mayor and Council in accordance with the procedures established in Section 4.6.
- 8.6 Miscellaneous requests and petitions shall, from time to time, come before the Commission, either upon the initiation of an individual or agency or by reference from the governing body. In all cases, the Commission shall be guided by the principles set forth in the “Master Plan”; the “Subdivision Regulations”; the “Zoning Ordinance”; the “Design Guidelines”; and rules, regulations and ordinances of the City. All such matters shall be handled with as much dispatch as possible.
- 8.7 Withdrawal. Any item placed on the Commission’s monthly agenda and then withdrawn by the applicant shall not be rescheduled until 60 days have elapsed unless otherwise provided by majority vote of the Commission.
- 8.8 All applications for subdivision plat approval must be filed in accordance with the Subdivision Regulations. Applications shall be reviewed by the Commission in accordance with submission schedule each month. The following subdivision application cases may also be reviewed by the Commission at any of the regular monthly meetings: Subdivision cases pertaining to 1) Appeals from staff decisions; 2) Continuance of case by the Commission; 3) when requested by the Planning Commission.

### **Section 9–Final Disposition of Commission Matters**

- 9.1 The disposition of all formal petitions and requests before the Commission requiring further action by the Mayor & Council shall be in the form of a letter of recommendation to the Mayor & Council, which may be included in a Staff Report. In all matters, the Applicant shall be notified by letter of the action taken by the Commission.

### **Section 10–Delegation of Authority**

- 10.1 The Commission may delegate some of its authority to the Chair in order to expeditiously and efficiently perform the work of the Commission. This would include such items as the signing of subdivision plat approvals and letters when the Commission has approved such documents.

### **Section 11–Relationships with Other Planning Commissions, Agencies and Governmental Bodies**

- 11.1 Though this Commission recognizes that its powers and responsibilities within the City do not extend to land within other incorporated municipalities and the County, the Commission will, where appropriate, assist and coordinate its activities with other municipalities and the County and their planning and zoning



agencies, and on request provide staff assistance to those agencies within the limits of available resources. With those municipalities which have planning staffs, the Commission seeks out mutual cooperation.

- 11.2 The Mayor and Council will keep the Commission advised of all projected studies or projects which fall within the jurisdiction of the Commission. The Commission is considered to be an advisory body to the City of Brunswick.
- 11.3 The Frederick County Planning Commission provides technical advise and assistance to the Commission under the local planning services programs. A town planner assists the Commission in all of its functions.
- 11.4 Unless appointed by the chair, Planning Commission members are not to actively participate on any committee which will present items or make recommendations to the Planning Commission or Mayor and Council. In cases of conflict, the member is required to recuse themselves from the subject matter.

#### **Section 12–Commission–Staff Relationships**

- 12.1 The Commission, endorses the provisions of Title VI of the Civil Rights Act of 1964 pertaining to equal opportunity in employment.
- 12.2 The Planning and Zoning Administrator or his designees is the normal contact for all routine communications between Commission members and the staff. Commission members take no part in the daily routine of administration of regulations and research of matters of fact, although they do participate in field trips and discussions pertaining to the more significant matters to be considered at Commission meetings.
- 12.3 Matters of policy and important changes in the administration of the Commission’s affairs are developed by the Planning and Zoning Administrator on behalf of the Commission and presented for resolution to members at regular meetings.

#### **Section 13–Amendments**

These by-laws and procedures supersede all such previous planning procedures. Amendments to these rules of procedure may be introduced at any meeting of the Commission and voted at any subsequent regular meeting, passage requiring majority vote of the membership, provided public notice is advertised in the newspaper twice immediately prior to the vote on the amendment.

#### **Section 14–Variance**

Upon unanimous agreement of the members present at a regular meeting, these procedures may be modified for extenuating circumstances or as provided for in Sec. 7.12.

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The foregoing is a true and correct copy of the Rules of Procedure of the City of Brunswick Planning Commission as amended and revised the 22<sup>nd</sup> day of December, 2003.

**APPROVAL:** \_\_\_\_\_  
Connie Koenig, Secretary

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Edward Gladstone, Chairman